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APR 12 2005

In re Application of
Juergen Gerstenmeier et al.
Application No. 09/125,404
Filed: May 12, 1999
Attorney Docket No. 10191/776

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition filed August 27, 2001, under 37 CFR 1.137(a)¹, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before July 3, 2001 as was required by the Notice of Allowance mailed April 3, 2001. This application became abandoned on July 4, 2001. Accordingly, a Notice of Abandonment was mailed August 8, 2001.

The file record discloses that the Notice of Allowance was mailed April 3, 2001 to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docketing system, mail log and application jacket cover, wherein receipt of the Notice of Allowance would have been entered, had it been received, accompany the petition. The declaration and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, this application is being forwarded to the Technology Center 2857 for a remailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ A grantable petition under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(l);
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).